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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,225	07/07/2003	Laura Michelle Jacobs	03842-P0001B	6100

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EXAMINER
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STASHICK, ANTHONY D

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/614,225

**Applicant(s)**

JACOBS, LAURA MICHELLE

**Examiner**

Anthony Stashick

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/07/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 19 and 20 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 1 and 2. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-4, 10-13 and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Oorei et al. 6,505,424. Oorei et al. '424 discloses all the limitations of the claims including the following: footwear with a closure system (see.Figures); a plurality of eyelets 70 disposed in the footwear; a cord 8 received by the eyelets; the cord adapted to be removable from the footwear (can be removed from the shoe by removing from the eyelets); at least one pair of slots (see

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Figures 6 and 7, slots located where 91 and 93 come through the shoe upper) disposed in the footwear adjacent the eyelets; at least one strap 9 received by the at least one pair of slots in an installed position (see Figures 6 and 7); each of the at least one strap having at least a portion of a fastener system disposed on opposite surfaces of its ends (90, 92); the at least one strap adapted to be removable from the footwear (follow strap through figures 6 and 7, removably received in shoe upper); the at least one strap received by the at least one pair of slots is folded upon itself so that in a closed position the fastener system couples and closes the assembly (see Figure 7 and col. 6 lines 54-62); the fastener system comprises a hook and loop system (90-93); the cord is tied to close the assembly (typical tying of the shoelace); at least one pair of loops 11, 12 disposed in the footwear adjacent to the eyelets; the at least one strap received by the at least one pair of loops in an installed position (see Figures 6 and 7); each of the at least one straps having at least a portion of a fastener system (90-93) disposed on opposite surfaces of each of its ends; the at least one strap adapted to be removable from the footwear (See Figures 6 and 7).

4. Claims 1, 10 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. 5,379,529. Smith et al. '529 discloses all the limitations of the claims including the following: footwear with a closure assembly (see Figure 1); a plurality of eyelets 17 disposed in the footwear; a cord received by the eyelets (see Figure 2); the cord adapted to be removable from the footwear (can be removed from the shoe by removing from the eyelets); at least one pair of slots (see Figures 1 and 2, slots 40, 42, 54 and 56) disposed in the footwear adjacent the eyelets; at least one strap 33, 35 received by the at least one pair of slots in an installed position (see Figures 1 and 2); each of the at least one strap having at least a portion of a fastener system disposed on opposite surfaces of its ends (62, 64, 57, 58); the at least one strap

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adapted to be removable from the footwear (see Figures 1 and 3); at least one pair of loops 44, 46 disposed in the footwear adjacent to the eyelets; the at least one strap received by the at least one pair of loops in an installed position (see Figure 2); each of the at least one straps having at least a portion of a fastener system (62, 64, 57, 58) disposed on opposite surfaces of each of its ends; the at least one strap adapted to be removable from the footwear (see Figure 3).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4, 6-8, 11-13, 15-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. 5,379,529 as applied to claims 1, 10 and 19 above, in view of Antonious 4,282,657. Smith et al. '529 as applied to claims 1, 10 and 19 above discloses all the limitations of the claims except for the at least one strap folding upon itself and containing hook and loop fasteners. Antonious '657 teaches that a strap used to help hold a shoe upon a user's foot can fold over upon itself and contain hook and loop fasteners, to help close the strap and hold the strap on the shoe of the user. Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to make the straps of the shoe of Smith et al. '529 fold back on themselves and fasten them with hook and loop fasteners, as taught by Antonious '657, to aid in adjusting the straps to fit different sized feet and to be able to quickly fasten and unfasten the straps to the shoe.

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7. Claims 5, 9, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 1, 6, 10 and 15 above in view of Liu 6,510,627. The references as applied to claims 1, 6, 10 and 15 above disclose all the limitations of the claims except for the closure assembly comprising a cinch lock to receive the cord and close the assembly. Liu '617 teaches that a cinch lock 3 can be used to close the assembly by tightening up the cord in the cinch lock. Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to close the assembly using a cinch lock, as taught by Liu '627, to allow for quick and easy closing of the assembly.

#### *Conclusion*

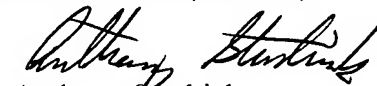
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited on form 892 enclosed herewith.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Stashick whose telephone number is (571) 272-4561. The examiner can normally be reached on Monday through Thursday from 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony Stashick  
Primary Examiner  
Art Unit 3728

ADS